

**PODIATRISTS AFFILIATED CREDENTIALING BOARD
FEBRUARY 21, 2006
MEETING MINUTES**

PRESENT: Dr. Melanie Berg; Dr. Ian Furness; Dr. Lisa Reinicke and Debra Truckey

STAFF PRESENT: Tom Ryan, Bureau Director; PJ Monson, Bureau Assistant; Jacquelynn Rothstein, Legal Counsel, Larry Martin, Executive Assistant; Eric Callisto, Department of Enforcement (DOE); and other DRL staff

GUESTS: Tony Driessen, Wisconsin Society of Podiatric Medicine

CALL TO ORDER

Lisa Reinicke, Chair, called the meeting to order at 9:07 a.m.

APPROVAL OF AGENDA

Additions to agenda:

Item "E&F" – LRB-3345/1 – Senate Bill 591 – relating to Podiatric Medicine
Between Item "K&L" – The matter of Disciplinary Proceedings against John S. Lanham, DPM
Between Item ""K&L" – Facsimile Transmission regarding John S. Lanham, DPM
After Item "L" – DOE case closing report

MOTION: Debra Truckey moved, seconded by Ian Furness, to approve the agenda with additions. Motion carried unanimously.

APPROVAL OF MINUTES OF SEPTEMBER 27, 2005

MOTION: Ian Furness moved, seconded by Debra Truckey, to approve the minutes of September 27, 2005, as written. Motion carried unanimously.

ELECTION OF OFFICERS FOR 2006

Lisa Reinicke called three times for nominations for the office of Chair.

MOTION: Ian Furness moved, seconded by Melanie Berg, to nominate Lisa Reinicke as Chair of the Board. After no other nominations were offered, the motion carried unanimously.

Lisa Reinicke called three times for nominations for the office of Vice Chair.

MOTION: Lisa Reinicke moved, seconded by Debra Truckey, to nominate Ian Furness as Vice Chair. After no other nominations were offered, the motion carried unanimously.

Lisa Reinicke called three times for nominations for the office of Secretary.

MOTION: Ian Furness moved, seconded by Lisa Reinicke, to nominate Melanie Berg as Secretary. After no other nominations were offered, the motion carried unanimously.

2006 BOARD LIAISON

Lisa Reinicke appointed the following liaison and panel positions.

Credentialing Liaison – Lisa Reinicke
Screening Panel – Ian Furness and Debra Truckey
Legislative Liaison – Ian Furness

Melanie Berg was introduced to the Board. She provided a brief review of her background.

ADMINISTRATIVE REPORT

Annual Policy Review with Boards:

Tom Ryan reviewed the 2006 travel and meeting information for the Board members and suggested they be read and kept for future referral.

Board Motions:

Tom Ryan reminded the members of the importance of clarity in making motions.

March 17 Board Member Orientation

The Board discussed the upcoming New Member Orientation prior to the call to order.

LRB-3345/1 2005 SENATE BILL (SB) 591

Larry Martin, DRL Executive Assistant, appeared before the Board to introduce himself and explain his role in the legislative process. He stated that there is a hearing tomorrow before the Senate Health Committee on Senate Bill 591. Jacquelyn Rothstein explained the history of this bill and Tony Driessen, Wisconsin Society of Podiatric Medicine, joined the discussion. Lisa Reinicke will represent the Board at the legislative hearing.

MOTION: Ian Furness moved, seconded by Melanie Berg, to go on record in support of LRB-3345/1 relating to the update of podiatric practice. Motion carried unanimously.

MOTION: Ian Furness moved, seconded by Lisa Reinicke, in favor of the Podiatrist Board authorizing Ian Furness and Lisa Reinicke to testify on behalf of the

Board with regard to LRB-3345/1 SB 591 at tomorrow's Senate Health Committee hearing. Motion carried unanimously.

2005 SENATE BILL 354

Tom Ryan explained this amended bill regarding Advanced Practice Nurse Prescribers.

2005 ASSEMBLY BILL 853

Jacquelynn Rothstein addressed the Board with regard to AB 853 relating to anesthesia in an office based setting.

MOTION: Ian Furness moved, seconded by Lisa Reinicke, to oppose this bill in its current form. Motion carried unanimously.

Jacquelynn Rothstein will send a letter to Representatives Underheim and Gielow reflecting today's Board motion, the Board's concerns, and also emphasizing the Board's willingness to work with the committee in making suggested changes.

SENATE BILL 434

Larry Martin handed out a draft of SB 434, a similar bill. Discussion of the definition of 'sedation' and 'general sedation' ensued. The Board will submit a letter to the letter sent regarding AB 853 to Senator Roessler and the Senate Health committee opposing this bill.

MOTION: Lisa Reinicke moved, seconded by Debra Truckey, to draft a letter opposing SB 434. Motion carried unanimously.

MOTION: Ian Furness moved, seconded by Melanie Berg, to allow Ian Furness and Lisa Reinicke to carry on active discussion with the legislature with regard to AB 853 and SB 434. Motion carried unanimously.

PROPOSED AMENDMENT TO WIS. ADMIN. CODE § POD 3.01 (2)

Scope Statement and Discussion of the rule

MOTION: Debra Truckey moved, seconded by Ian Furness, to approve the POD 3.01 (2) and send it to the clearinghouse. Motion carried unanimously.

LRB 1965/P5 - BOARD REVIEW

Eric Callisto, DOE, joined the Board to explain the possible impact of this rule draft on the Division of Enforcement.

GENERAL POLICY FOR CE EXTENSION/WAIVER REQUESTS AT RENEWAL

Dr. Barb Showers, Office of Education and Examinations Director, appeared before the Board to discuss the renewal process with regard to requests for extensions of time to complete CE at the time of license renewal.

MOTION: Debra Truckey moved, seconded by Ian Furness, to approve the use of the timely and sufficient option (#2). Motion carried unanimously.

PRACTICE QUESTIONS

Scope of Practice question – Dr. Timothy Axe – Riverview Clinic, Janesville WI

MOTION: Ian Furness moved, seconded by Melanie Berg, to respond to Dr. Axe indicating that the procedure described is within the scope of practice. Motion carried unanimously.

Performance of Arthroscopy – Dr. Neumann – Minnesota (email)

Jacquelynn Rothstein briefed the Board on the email from Dr. Neumann.

MOTION: Ian Furness moved, seconded by Debra Truckey, that ankle arthroscopy and lateral ankle stabilization procedures are within the scope of practice of podiatry in Wisconsin. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS, DECISIONS AND ORDERS

None.

APPLICATION ISSUES

None.

EXAMINATION ISSUES

None.

INFORMATIONAL ITEMS

Noted.

CLOSED SESSION

MOTION: Debra Truckey moved, seconded by Ian Furness, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation with administrative

warning (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)) Roll call vote. Melanie Berg–yes; Ian Furness–yes; Lisa Reinicke–yes; Debra Truckey–yes. Motion carried unanimously.

The Board convened into closed session at 11:37 a.m.

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

MOTION: Debra Truckey moved, seconded by Ian Furness, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 1:39 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION OF VOTING IS APPROPRIATE

WISCONSIN SOCIETY OF ANESTHESIOLOGIST'S PETITION FOR DECLARATORY RULING – UPDATE AND CONSIDERATION OF POSSIBLE ACTION

Jacquelynn Rothstein addressed the Board regarding the declaratory ruling and explained the history. The Board discussed the ruling in detail and will continue to monitor the issue. Jacquelynn Rothstein will work in collaboration with Lisa Reinicke and will address any concerns of the Board.

MOTION: Melanie Berg moved, seconded by Ian Furness, to have Jacquelynn Rothstein address a letter to the ALJ regarding the position of the Podiatrists Affiliated Credentialing Board with respect to the petition for declaratory ruling pending before the Medical Examining Board. Motion carried unanimously.

Determination of Probable Cause to Issue a Formal Complaint in the Matter of the Disciplinary Proceedings against John Lanham, DPM

MOTION: Ian Furness moved, seconded by Debra Truckey, in favor of a finding of probable cause and to issue a complaint in the matter of John S. Lanham, DPM. Motion carried unanimously.

Motion to Direct that the Administrative Law Judge Render the Final Decision and Order in the Matter of the Disciplinary Proceedings against John Lanham, DPM

Gil Lubcke, DOE, appeared before the Board in closed session to explain the petition.

MOTION: Ian Furness moved, seconded by Melanie Berg, to grant the designation of an administrative law judge as a final adjudicator in the disciplinary proceedings against John S. Lanham, DPM. Motion carried unanimously.

MOTION: Ian Furness moved, seconded by Melanie Berg, to allow Attorney. Fasi, II, three weeks from today's meeting to request a rehearing on the matter designating the ALJ as the final adjudicator in the disciplinary proceedings against John S. Lanham, DPM. Motion carried unanimously.

ORAL EXAMINATIONS

No applicants.

REVIEW OF ORAL EXAM QUESTIONS

None.

DOE CASE STATUS REPORT/CASE CLOSINGS

03 POD 006

MOTION: Debra Truckey moved, seconded by Ian Furness, to close case number 03 POD 006 for no violation. Motion carried unanimously.

03 POD 009

MOTION: Debra Truckey moved, seconded by Ian Furness, to close case number 03 POD 009 for prosecutorial discretion (P3). Motion carried unanimously.

04 POD 010

MOTION: Debra Truckey moved, seconded by Ian Furness, to close case number 04 POD 010 for no violation. Motion carried unanimously.

04 POD 012

MOTION: Debra Truckey moved, seconded by Ian Furness, to close case number 04 POD 012 for prosecutorial discretion (P3). Motion carried unanimously.

ADJOURNMENT

MOTION: Debra Truckey moved, seconded by Lisa Reinicke, to adjourn the meeting. Motion carried unanimously.

Meeting adjourned at 1:43 p.m.

Next Meeting May 23, 2006